

UNITED STATES DISTRICT COURT  
DISTRICT OF MARYLAND

CHAMBERS OF  
J. FREDERICK MOTZ  
UNITED STATES DISTRICT JUDGE

101 WEST LOMBARD STREET  
BALTIMORE, MARYLAND 21201  
(410) 962-0782  
(410) 962-2698 FAX

March 25, 2014

MEMO TO COUNSEL RE: Tobi Hosie v. Frederick County, Maryland, et al.  
Civil No. JFM-13-3033

Dear Counsel:

I have reviewed the memoranda submitted in connection with the motions to dismiss filed by various defendants (documents 3, 5, and 13).

Each of the motions is denied except to the extent the plaintiff has asserted wrong death and survivor claims in counts VI and VII against Dr. Sims, Mika Riley, Conmed Healthcare Management, Inc., and Correctional Mental Health Services, LLC. On the present record it appears that the individual defendants were on notice that Valerie Ann Miller was under the care of a psychiatrist, that she had been diagnosed as suffering from severe depression and bipolar disorder, and that she had been prescribed Abilify (as well as Valium and Prozac). As is generally known, and as a website for Abilify expressly states, “[d]epression and other serious mental illnesses are themselves associated with an increase in the risk of suicide.” In light of this fact I believe that a further factual record must be developed before it can be said as a matter of law that defendants were not deliberately indifferent to Ms. Hosie’s risk of suicide.

I recognize that the doctrine of *respondeat superior* does not apply to claims asserted under 28 U.S.C. §1983. Thus, even if the individual defendants ultimately do not have a meritorious defense, the institutional defendants, i.e. Frederick County Maryland, Sheriff Charles Jenkins, Conmed Healthcare Management, Inc., and Correctional Mental Health Services, LLC, may have viable defenses. However, counsel for these defendants represents individual defendants as well and because denial of the motion to dismiss they have filed will not substantially broaden discovery, I believe that it is in the interest of efficient judicial administration that the claims against the institutional defendants proceed, at least through the summary judgment stage of this litigation

Despite the informal nature of this letter, it should be flagged as an opinion and docketed as an order.

/s/  
J. Frederick Motz  
United States District Judge